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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

INTERTRUST TECHNOLOGIES  
CORPORATION, a Delaware corporation,

Plaintiff,

V.

**MICROSOFT CORPORATION, a  
Washington corporation,**

Defendant.

Case No. C 01-1640 SBA (MJE)

**PATENT LOCAL RULE 4-3 JOINT  
CLAIM CONSTRUCTION AND  
PREHEARING STATEMENT  
REVISED IN ACCORDANCE WITH  
THE SCOPE OF "MINI-MARKMAN"  
HEARING SET FORTH IN THE  
COURT'S ORDER ENTERED 2/24/03**

MICROSOFT CORPORATION, a  
Washington corporation,

**Counterclaimant.**

v.

INTERTRUST TECHNOLOGIES  
CORPORATION, a Delaware corporation,

### Counter Claim-Defendant.

1 In accordance with the Court's Order entered February 24, 2003 and Patent Local  
2 Rule 4-3, Plaintiff and Counter-Defendant InterTrust Technologies ("InterTrust") and Defendant  
3 and Counter-Claimant Microsoft Corporation ("Microsoft") submit the following revised Joint  
4 Claim Construction and Prehearing Statement. Pursuant to that Order, the parties have limited  
5 their disputes for purposes of the "*Mini-Markman*" proceeding, to 30 disputed terms and phrases,  
6 as identified in alphabetical order in Exhibit B and highlighted in copies of the claims in Exhibit  
7 H, hereto.

### **Submission of “Intrinsic” Evidence**

9 To avoid unnecessary duplication, the parties will submit, prior to the submission  
10 of the final briefs in the “*Mini-Markman*” proceeding (including briefing addressing  
11 indefiniteness), a Joint Declaration presenting the Intrinsic evidence (including patents, file  
12 histories and cited references). The parties agree that in briefs submitted in the “*Mini-Markman*”  
13 proceeding, a party may cite to evidence that ultimately will be submitted by the parties in such  
14 Joint Declaration and need not append such evidence to a declaration in support of a brief. This  
15 agreement does not limit either party from submitting any evidence with a declaration  
16 accompanying any brief.

**RULE 4-3(a): Agreed Construction**

18 • Attached hereto as **Exhibit I** is a list of claim constructions upon which the parties agree.  
19 To the extent that agreed constructions refer to disputed terms that are not among the 30  
20 terms in the “*Mini-Markman*” proceeding, such terms are set forth in quotations.

**RULE 4-3(b): Disputed Claim Construction Presentation**

22 • Attached hereto as **Exhibit A** is a list of disputed claim terms set forth in claim order,  
23 together with the parties' proposed constructions.

24 • Attached hereto as **Exhibit B** is a list of the 30 disputed claim terms in alphabetical order,  
25 together with the parties' proposed constructions.

26 • Attached hereto as **Exhibit C** is InterTrust's identification of intrinsic and extrinsic  
27 evidence supporting its proposed construction for each of the 30 disputed terms and  
28 phrases.

- Attached hereto as **Exhibit D** is Microsoft's identification of intrinsic and extrinsic evidence supporting its proposed construction for each of the 30 disputed terms and phrases.
- Attached hereto as **Exhibit E** is a Microsoft statement of reservations.
- Attached hereto as **Exhibit H** is the text of the 12 claims at issue, with bolding identifying the terms and phrases in dispute for the purposes of the “*Mini-Markman*” proceeding.

### **RULE 4-3(c): Claim Construction Hearing Length**

The claim construction schedule is set forth in the Court's Order entered February 24, 2003.

#### **RULE 4-3(d): Witness Testimony**

The parties have agreed to present witness testimony through declarations filed in support of the briefs. There also shall be tutorial presentations, per the Court's Order of February 24, 2003.

- Attached hereto as **Exhibit F** is a summary of expert testimony to be presented by InterTrust.
- Attached hereto as **Exhibit G** is a summary of expert testimony to be presented by Microsoft.

## **RULE 4-3(e): Pre-Hearing Conference Issues**

The parties addressed pre-hearing matters at the Case Management Conference hearing on February 13, 2003. No pre-hearing conference is currently scheduled or requested.

Dated: March 14, 2003

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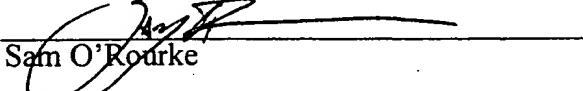
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